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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,314	08/30/2005	Manfred Leitgeb	449122079100	1475
25227	7590	08/28/2006		EXAMINER
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102				FARAGALLA, MICHAEL A
			ART UNIT	PAPER NUMBER
			2631	

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/521,314	LEITGEB ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michael Faragalla	2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 August 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 14 January 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/14/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

2. The information disclosure statement submitted on 04/16/2005 has been considered by the examiner and made of record in the application file.

### *Preliminary Amendment*

3. The present Office Action is based upon the original patent application filed on 01/14/2005 as modified by the preliminary amendment also filed on 01/14/2005. **Claims 1-7** are now pending in the present application.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Consider Claims 1-7, it is discussed in all of the claims that the access is taking place through a secure service interface device, and also it is stated that the interface device verifies whether the request involves use of a function of another network (which makes the examiner assumes that the secure service interface device is the same as interface device). Furthermore, secure service interface device and interface device are treated as two distinct devices, because, in claims 1 and 7, it is stated that *When the request uses a function of another network, exchanging a second request relating to the functions of the network between the interface devices based on a service level agreement concluded between the interface device and a secure service interface device of the target network*. Therefore, claims 1-7 are considered indefinite. For purpose of examination, it is assumed that secure service interface device and interface device are devices that have the same structure, i.e. they have the same functions in the network.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kari et al (Patent number: 6,636,491)** in view of Bouret et al (publication number: 2002/0101879).

Consider **Claim 1**, Kari et al clearly show and disclose a method for accessing network-internal functions (read as the context of the SGSN) (column 5, lines 23-32) of telecommunication networks, from an external site, with access taking place via a secure service interface device (read as SGSN1) of a network based on a service level agreement valid for the service interface in favor of the external site (figure 1; column 1, lines 16-24, lines 43-45) comprising:

(a) Verifying on the part of the interface device whether there is an involvement with using of a function of another network; and exchanging a second request relating to the functions of the network between the interface devices based on a service level agreement concluded between the interface device and a secure service interface device of the target network (abstract, figure 1; column 5, lines 57-67; column 6, lines 1 and 2); (according to Kari et al, when the mobile station is roaming in the area of the new SGSN, the new SGSN requests MM and PDP contexts (read as second request relating to the functions of the network) from the old SGSN. Furthermore, the roaming of the mobile in the new SGSN area is considered to be a service level agreement concluded between the interface device and the secure service interface device of the target network. Moreover, the access point GGSN accepts service requests in which the

rights of the user are already assured by subscription, without any security problems, which makes the SGSN secure).

However, Kari et al do not show that the verification is based on a request sent to it from the external site relating to a network-internal function. Furthermore, Kari et al do not show that the request uses a function of another network.

In related art, Bouret et al show that the verification is based on a request sent to it from the external site relating to a network-internal function (paragraph 18; paragraph 31); (according to Bouret et al, the services are being provided by an external service provider, the method comprising signaling from the external service (read as a request sent from an external site) provider to an interface entity).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Bouret et al into the teaching of Kari et al in order to provide data communication services for users (Bouret et al, paragraph 4).

Consider **Claim 2**, Kari et al as modified by Bouret et al clearly show and disclose the method according to Claim 1, wherein access takes place in the context of a service, which is executed by the external site for a user, the home network of which is the target network (column 1, lines 16-19; column 5, lines 57-67; column 6, lines 1 and 2).

Consider **Claim 3**, Kari et al as modified by Bouret et al clearly show and disclose the method according to Claim 1, wherein the service level agreement is generated in a

manner favorable to the external site, such that a roaming agreement exists between the networks set up as mobile radio networks and the service level agreement exists on a part of the access network favorable to the external site (column 1, lines 21-24; column 5, lines 57-67; column 6, lines 1 and 2).

Consider **Claim 4**, Kari et al as modified by Bouret et al clearly show and disclose the method according to Claim 1, wherein the external site is a server for external services, which are executed in the area of the access network or a visited network accessible via the access network using network-internal services for users that are connected or logged in (figure 1; column 5 lines 57-67; column 6, lines 1 and 2).

Consider **Claim 5**, Kari et al as modified by Bouret et al clearly show and disclose the method according to Claim 1, wherein messages exchanged further to the second request between the external site and the target network are transmitted via the interface devices, with the interface device of the access network forwarding messages exchanged between the external site and the interface device of the target network in a transparent manner (figure 1; column 5 lines 57-67; column 6, lines 1 and 2); (according to Kari et al, when the mobile station is roaming in the area of the new SGSN, the new SGSN requests MM and PDP contexts (read as second request relating to the functions of the network) from the old SGSN. Therefore, there has to be messages exchanged between the two SGSN's in order for the new SGSN to request MM and PDP contexts

from the old SGSN. Furthermore, those messages would be a result of the communication between the external site and the SGSN through the GPRS backbone. In addition, the user would not know of these messages because they are between nodes of the network (SGSN's) which is being interpreted as transparent manner of forwarding messages).

Consider **Claim 6**, Kari et al as modified by Bouret al clearly show and disclose the method according to Claim 1, wherein messages exchanged further to the second request between the external site and network centers of the target network are transmitted via the interface device of the access network, with the interface device forwarding the messages as a transparent proxy server (figure 1; column 4, lines 42-50; column 5 lines 57-67; column 6, lines 1 and 2); (according to Kari et al, the SGSN is connected to the HLR a Gr interface. Therefore, when the second SGSN requests MM and PDP contexts from the second SGSN, the data can be retrieved from the HLR of the second network because the SGSN of the second network and the HLR are linked).

Consider **Claim 7**, Kari et al clearly show and disclose a network device of a telecommunication network, which is set up as a secure service interface device (read as SGSN) (figure 1; abstract) to Verify on the part of the interface device whether there is an involvement with using of a function of another network; and exchanging a second request relating to the functions of the network between the interface devices based on a service level agreement concluded between the interface device and a secure service

interface device of the target network (abstract, figure 1; column 5, lines 57-67; column 6, lines 1 and 2); (according to Kari et al, when the mobile station is roaming in the area of the new SGSN, the new SGSN requests MM and PDP contexts (read as second request relating to the functions of the network) from the old SGSN. Furthermore, the roaming of the mobile in the new SGSN area is considered to be a service level agreement concluded between the interface device and the secure service interface device of the target network. Moreover, the access point GGSN accepts service requests in which the rights of the user are already assured by subscription, without any security problems, which makes the SGSN secure).

However, Kari et al do not show that the verification is based on a request sent to it from the external site relating to a network-internal function. Furthermore, Kari et al do not show that the request uses a function of another network.

In related art, Bouret et al show that the verification is based on a request sent to it from the external site relating to a network-internal function (paragraph 18; paragraph 31); (according to Bouret et al, the services are being provided by an external service provider, the method comprising signaling from the external service (read as a request sent from an external site) provider to an interface entity).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Bouret et al into the teaching of Kari et al in order to provide data communication services for users (Bouret et al, paragraph 4).

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) METHOD OF GLOBAL ROAMING SERVICES USING GATEWAY LOCATION REGISTER IN THIRD GENERATION MOBILE TELECOMMUNICATION NETWORKS  
**Jo et al (patent number: 6,810,250).**

(2) METHOD AND SYSTEM FOR CALL FORWARDING Thomas (patent number:  
**6,421,339).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Faragalla whose telephone number is (571) 270-1107. The examiner can normally be reached on Mon-Fri 7:30 am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
RAFAEL PEREZ-GUTIERREZ  
SUPERVISORY PATENT EXAMINER  
8/18/06